

### REMARKS

Favorable reconsideration and allowance of this application are requested.  
Claims 15 and 18-23 remain pending for consideration.

The only issues remaining to be resolved in this application is the rejection of pending claims 15 and 18-23 as allegedly anticipated by (35 USC §102(b) or rendered obvious from (35 USC §103(a)) Meszaros et al (USP 6,080,331).<sup>1</sup> As will become evident from the following discussion Meszaros et al is inappropriate as a reference to reject the pending claims herein.

The Examiner asserts that Meszaros discloses a mixture of mono- and dicarboxylic acids, like sabacic acid and 2-ethylhexanoic acid (see Abstract in combination with column 3, lines 1 to 24). Furthermore, according to the Examiner, corrosion inhibitors in the form of imidazoles are disclosed in column 3, lines 30-50 of Meszaros et al. Finally, the Examiner asserts that glycols such as alkylene glycols and also disclosed in Meszaros et al at column 4, lines 14-45.

However, applicants must emphasize that the first reference to column 3 of Meszaros et al relates to component (a) which is comprised of the composition in the range of 0.05 to 10 wt.%. (See In this regard, column 2, line 43.) The disclosed component (a) in Meszaros et al can comprise mono- as well as dicarboxylic acids. Thus, no more than 10 wt.% of the component (a) disclosed in Meszaros et al is present in the composition.

In contrast, however, applicants note that presently pending independent claim 15 and the claims dependent therefrom require a total amount of linear saturated aliphatic dicarboxylic acid with 4 to 12 carbon atoms as well as aliphatic monocarboxylic

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<sup>1</sup> It is noted that the Official Action incorrectly cites Meszaros et al as being USP 6,080,330 instead of USP 6,080,331 as was correctly cited in the listing accompanying the Information Disclosure Statement dated May 14, 2009.

acids with 3 to 16 carbon atoms, each in the form of specific salts, be present in an amount of at least 10.01% by weight (i.e., the sum of the lower range amount of 10 wt.% for the salts of the dicarboxylic acid component and the lower range amount of 0.01 wt.% for the salts of the monocarboxylic acid component). Therefore, in view of this reason alone, Meszaros et al cannot anticipate the presently claimed invention.

As for the alleged "obviousness" of the pending claims over Meszaros et al, applicants note that Meszaros et al is at best merely cumulative and of no greater relevance in terms of its disclosed subject matter than WO-A/05906 for which comparative examples have already been provided in the originally filed specification. Specifically, Example 2 of the WO-A/05906 is compared with the compositions of the presently claimed invention. In such example, a linear aliphatic monocarboxylic acid as well as a dicarboxylic acid are used so the example is substantially closer to the subject matter than that of Meszaros et al. In Example 2 of WO-A/05906, it has been demonstrated that compositions of the presently claimed invention show a better appearance when used as a coolant as compared to the prior art examples. (See last line of Table 2 on page 12 of the subject application as originally filed.)

Therefore, the applicants have already demonstrated that the subject matter of claim 15 is patentably *unobvious* over closer prior art subject matter than that represented by Meszaros et al.

Withdrawal of the rejection advanced alternatively under 35 USC §§102(b) or 103(a) based on Meszaros et al is therefore in order.

**WENDEROTH et al**  
**Serial No. 10/522,541**  
July 19, 2010

**Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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